UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/1998/SR.2
19 March 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 March 1998, at 10 a.m.

Chairman: Mr. SELEBI (South Africa)

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GE.98-11046 (E)

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The meeting was called to order at 10 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (E/CN.4/1998/104, 109, 117, 122 and 123)

1. The CHAIRMAN said that he and the other members of the Bureau intended to be very strict in applying the rules of procedure and he urged all participants to abide by them. Meetings would start on time and speaking times would be adhered to. He suggested that the Commission should dispense with the requirement for a quorum except at meetings at which a vote was to be taken. The proposed draft timetable for the consideration of agenda items was annexed to the order of the day (E/CN.4/1998/OD.2). In connection with statements by guest speakers he wished to make the following ruling: the use of "points of order" to express disagreement or provide any arguments for or against questions of substance raised by guest speakers would not be admitted. He took it that the Commission wished to adopt the Bureau's recommendations.

2. It was so decided.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE ISLAMIC REPUBLIC OF IRAN

3. Mr. KHARAZI (Islamic Republic of Iran) said that the twentieth century had been marked by perpetual contradictions and conflicts. The human race had also been bewildered by advances in science and technology, which had altered its view of the world and affected its behaviour. A heightened awareness and a sharper focus on man's material and spiritual needs had emerged. In his own, optimistic view, the century would be recognized as an era leading to a more peaceful and just world. A clash between civilizations might indeed occur, but that was a choice rather than destiny, a choice that should be avoided.

4. The debate on human rights and responsibilities was particularly revealing of the paradoxical situation that existed. The Universal Declaration of Human Rights, for all its Eurocentricity, had had a positive influence in curtailing the recurrence of atrocities and in promoting the rights of individuals. Despots and dictators found it harder to violate the rights of individuals than they had five decades earlier; that was an outstanding achievement that should be appreciated and cherished.

5. During the cold war, however, human rights had been utilized as a political tool against opponents. The leading powers had persistently accused their rivals of violating human rights, while protecting themselves and their allies from the slightest hint of criticism. All that should have ended with the demise of the cold war, but hopes of a less politicized approach had faded as East-West rivalry had been replaced by the North-South divide. To bridge that divide was the most significant challenge currently facing the international community.

6. One side adopted an absolutist approach, contending that any attempt to include culture, history or religion in the evaluation of human rights was detrimental to the fate of the Declaration. The other side held that the Declaration was the product of Western thinking and culture and, as such, was alien to other traditions, particularly those of the Orient. One put the

emphasis on the rights of the individual and the responsibility of the community, while the other did the reverse. One beat the drum for civil and political rights, the other for economic and social rights. The one insisted on rights, the other on morality. The accusations and counter-accusations were ceaseless.

7. That was an unhealthy trend which would not be reversed if the two sides remained entrenched in their positions. Intransigence bred intransigence. Neither side held the whole truth but merely a part of it. Human rights were absolute in their essence but relative in their cognition. Rights and responsibilities were intertwined and complementary rather than disparate and contradictory. Economic, social and cultural rights were inseparable from civil and political rights. Individual talents did not flourish in the absence of rights, while societies disintegrated in the absence of morality. True prosperity lay in an equilibrium specific to each individual and each society. Occidental and oriental cultures could learn from each other through interaction rather than counteraction.

8. Such conclusions offered a simple and logical compromise between the two diametrically opposed views. They would not, however, be easily arrived at. They required goodwill, an open mind, flexibility and far-sightedness. Above all they required continuous and systematic dialogue. The Islamic world was prepared for such a dialogue. Islamic States firmly believed in upholding human rights while maintaining their allegiance to divinity and moral values. They upheld liberty, justice and faith as basic pillars of humanity and sought unity in diversity.

9. The sensible and balanced vision of the High Commissioner for Human Rights, in particular her responsiveness to the need for enhanced understanding, was most reassuring. It was difficult to foresee when and how any revision of the Declaration would take place. Meanwhile, there was room for an improved appreciation of its contents, which brought the views of various cultural, historical and religious backgrounds together into a common interpretation, thus elevating the Declaration to true universality. His Government recommended that the High Commissioner should invite comments on the Declaration as a prelude to dialogue and it encouraged all States and organizations to join in that exercise.

10. The human rights dialogue remained an integral and important component of a broader exchange within and between civilizations. The people of the world would benefit from embracing each other's virtues and rejecting each other's vices. The confusion of twentieth century man, who had learned so much about the universe but had become alienated in the process, might thus be replaced by a lasting inner peace.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION

11. Mr. USHAKOV (Russian Federation) recalled that, at the Vienna World Conference on Human Rights, 171 States had reaffirmed the ideas and principles of the Universal Declaration of Human Rights. The provisions of the Declaration had given rise to over 20 international human rights treaties, many of which had gained almost universal recognition. They had been incorporated into the constitutions of dozens of States, including his own.

Although its potential had not been fully realizable during the cold war, the Declaration had since come into its own and could help to bring States and peoples together.

12. His Government believed that real respect, not simply lip-service, should be paid to human dignity and equality. It rejected the policy and practices of double standards in the field of human rights. It favoured a non-confrontational discussion of such issues, with the participation of all Governments, international agencies, governmental and non-governmental organizations and representatives of business, academic and media circles. The international community should keep an eye on changes in the human rights climate in various countries; it should react to them more sensitively, acknowledge progress, if any, and undertake timely preventive measures where needed. It was, however, important to maintain a balance between the right to express legitimate concern regarding the promotion and protection of all human rights and the obligation to respect the sovereignty of independent States.

13. His Government was particularly concerned that human rights were often viewed through the political prism of double standards, which diminished the universality of human rights and fundamental freedoms and might well lead to a loss of faith in the international community's ability to protect "human rights for all". It was unacceptable that, for reasons of geopolitical interest, human rights practices in some countries met with storms of indignation, while in others they were passed over in silence. Silence led to impunity and ultimately to the triumph of might over right, thus undermining the basis of the Declaration.

14. A telling example of double standards had been seen in Riga on 3 March 1998, where brutal force had been used against pensioners protesting against their social, legal and psychological impoverishment. World response to that incident had been very muted.

15. That had been merely the latest manifestation of the nationalism and disrespect for human rights that were rife in Latvia. The root cause of the problem was the continuing discrimination against the Russian-speaking minority which had been collectively deprived of its citizenship and limited in its use of the mother tongue. The promises made by the Latvian Government and most of the recommendations by international experts had not been implemented. The international community should once and for all demonstrate its collective will and bring an end to the policy of insulting and humiliating the minorities in Latvia. To that end, his delegation intended to introduce a draft resolution for adoption by the Commission.

16. The problem of national minorities was a complicated and sensitive one that could be resolved only by successfully negotiating the fine line between protecting the rights of national minorities and maintaining the principle of the territorial integrity of States. That problem was particularly acute in Kosovo, where it had been aggravated over decades. The lack of a clear will to reach a mutually acceptable decision or engage in real political dialogue had resulted in the radicalization of the Albanian community in Kosovo and a rise of separatism and terrorism, which had led to excessive violence by the law-enforcement bodies. Neither hard-line insistence on the preservation of the status quo nor claims to independence were conducive to a solution. The

international community, which could not remain indifferent to that situation, should use its influence on all those involved to achieve a settlement of the crisis, with due regard for the principle of non-interference in internal affairs. Only mutual concessions and compromise could bring an end to the interethnic confrontation in the area and prevent the conflict from spreading.

17. His delegation had high hopes for the reform of the United Nations human rights activities. Such reform should aim at an equal and constructive dialogue on human rights, democracy and development but also at depoliticization and an affirmation that the protection of human rights was an integral component of any future system of international security. It would enhance the effectiveness of the secretariat and would fine-tune all the human rights mechanisms to meet modern requirements. It should be a gradual process, carried out on the basis of open and broad consultations with all groups of States.

18. His country, too, was undergoing reforms in that area. By presidential decree, 1998 had been proclaimed Human Rights Year in the Russian Federation. A national committee had been formed and had drawn up a comprehensive plan of action on human rights. Much had already been accomplished. The European Convention on Human Rights and most of its Protocols, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had been ratified. No executions had been carried out in the past two years. New laws on alternatives to national service, minimum social standards and civil and criminal procedures were in the pipeline.

19. Particularly important, in the context of Human Rights Year, were the protection of the rights of refugees and forced migrants and the improvement of conditions in prisons. It was also intended to launch a campaign of information on the significance of the Declaration and the universality of its principles. His Government attached great importance to human rights and would continue to take practical steps to achieve the highest possible respect for human rights and humanitarian standards.

STATEMENT BY THE MINISTER OF FAMILY, GENDER AND SOCIAL AFFAIRS OF RWANDA

20. Mrs. INYUMBA (Rwanda) said that the past half century had witnessed hundreds of conflicts, most of which had involved gross violations of human rights. Rwanda, in particular, had experienced genocide, a planned and systematic campaign of slaughter that had claimed more than one million lives in 100 days. At the time, United Nations peacekeepers had been present in the country but they had stood by and watched while innocent and defenceless men, women and children perished. The international community had also witnessed the genocide on television screens around the world, but had not moved to act. Many of the people responsible for that genocide still remained at large. The international community should ask itself what had gone wrong and what could be done to make up for such a costly failure.

21. The Government of National Unity, which had taken office at the end of the genocide, had inherited a country in ruins: more than one seventh of the population was dead, one third had gone into exile, and literally every citizen had been internally displaced. Administrative, law-enforcement and judicial institutions had ceased to exist.

22. The new Government had made the rule of law a crucial component of its programme to rebuild society. Indeed, the problems experienced up to July 1994 could be attributed to the impunity nurtured by the absence of the rule of law. The new Government was deeply committed to promoting the principles contained in the Universal Declaration of Human Rights and to the implementation of all the international human rights instruments to which Rwanda was a party and intended, in due course, to withdraw all the reservations entered thereto.

23. The Government stood firmly against revenge and had made it clear that even crimes of genocide must be tried in the courts. It had succeeded in getting the population to understand that the rights of all citizens were inviolable and, for the first time, respect for individual rights was being promoted. All discrimination had been outlawed, and jobs and admission to educational institutions were obtained on the basis of merit. A National Human Rights Commission had been established to assist citizens to develop the internal capacity to appreciate those values and their importance.

24. The Government had made the promotion of unity and reconciliation the cornerstone of its administration. It had undertaken many and diverse programmes aimed at promoting and rebuilding mutual confidence between the various communities, including the establishment of a broad-based administration and parliament and the reintegration of members of the former Government's army into the military. Security and stability had been established throughout the country, apart from the north-west, where some of the persons responsible for the 1994 genocidal atrocities were still active.

25. The court system had been rebuilt from scratch and had resumed its functions, hundreds of new personnel having been recruited, trained and equipped. Trials of persons accused of genocide had been under way for over a year. The process was still slow because of inadequate resources and a shortage of qualified personnel, but it was considered to be credible and impartial.

26. Most of the 125,000 detainees in the prisons were suspected of crimes of genocide and other grave human rights violations committed in 1994. The Government was continuing its programme of releasing minors and members of vulnerable groups and was also exploring other possibilities for reducing the prison population. Meanwhile, it would welcome assistance in improving conditions in the places of detention.

27. Rwanda had repatriated the approximately 1 million exiles who had been out of the country for over three decades, together with more than 2.5 million people who had fled to neighbouring countries in 1994. In spite of complaints that the return of those refugees was not voluntary, the Government considered their successful repatriation and resettlement to be a momentous achievement for human rights.

28. Her Government believed very strongly that the protection of human rights should not be the individual responsibility of any single country or Government and that the international community must be prepared to do whatever was necessary to ensure that those rights were universally respected and enforced. Where there had been a collective failure to stop massive

violations of human rights, as in the case of her country, there should at very least be adequate assistance given to those engaged in putting right what had gone wrong. Rwanda needed such assistance and looked forward to a constructive partnership with the international community.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

29. Mr. LLOYD (United Kingdom), speaking on behalf of the European Union and of the Central and Eastern European countries associated therewith (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia) as well as the associated country of Cyprus, said that the adoption of the Universal Declaration of Human Rights had been a defining moment for the United Nations. The greatest achievement of the Declaration had been to establish universal standards for all peoples and nations. It listed rights which applied to all individuals and which had been reaffirmed by all nations as recently as the 1993 World Conference on Human Rights.

30. The Union was committed to the universality of human rights and had taken action against activities, such as racism and xenophobia which undermined a just, tolerant and pluralist society. Its commitment to economic and social rights was demonstrated by concerted action to promote employment and combat social exclusion. Its Governments also laid themselves open to scrutiny by their own citizens, non-governmental organizations (NGOs), other Governments, the European Court of Human Rights, and the United Nations. Moreover, through its development programmes, the Union gave practical support to the realization of economic and social rights around the world.

31. Universal human rights standards were the basis on which the Union sought engagement with other countries on human rights. It thus welcomed the acceptance by China of the principle of universality and its growing integration into the United Nations human rights system. Its human rights dialogue with China had been revived in 1997 and had been used as a vehicle to discuss in detail its continuing deep concerns at various aspects of the human rights situation in that country, including a number of individual cases, the extent of the use of the death penalty and the suppression of religious and cultural freedoms, not least in Tibet. The Union had been gratified to note some positive steps by the Chinese Government, including the release of Wei Jingsheng, the signature and proposed ratification of the International Covenant on Economic, Social and Cultural Rights, the access given to the Working Group on Arbitrary Detention, and the decision to report on Hong Kong in the context of the International Covenant on Civil and Political Rights. It welcomed the recent announcement that China was preparing to sign the International Covenant on Civil and Political Rights and was also pleased that China had invited the High Commissioner for Human Rights to pay an official visit. In the light of those developments, the European Union would not be tabling or sponsoring a draft resolution on China at the Commission's current session.

32. The fiftieth anniversary of the Universal Declaration coincided with the five-year review of the Vienna Declaration and Programme of Action, an opportunity that must be used to assess progress against the commitments made by States at Vienna. Within the United Nations, responsibility for the

promotion of human rights could not be limited to the Office of the High Commissioner, but should be at the forefront of the Organization's work for peace and sustainable development. At the forthcoming session of the Economic and Social Council, the extent to which United Nations agencies had made that a reality would be reviewed.

33. The Union also recognized the crucial role played by NGOs in the implementation of human rights. It was delighted that the Working Group on human rights defenders had, after 13 years, reached consensus on a text for a draft declaration and looked forward to its adoption, which would be a fitting achievement in the fiftieth anniversary year.

STATEMENT BY THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF JAPAN

34. Mr. KOUMURA (Japan) said that the Universal Declaration of Human Rights had had an enormous impact through the creation of international human rights instruments based on its provisions. Regrettably, however, the rights enumerated in the Declaration had not been universally and fully guaranteed, and serious problems had occurred in the regional conflicts and ethnic confrontations that had arisen since the end of the cold war.

35. In that context, Japan attached great importance to the role of the United Nations and the Commission on Human Rights in contributing to the improvement of the human rights situation. There were three fundamental principles to be observed in the area of human rights, the first of them being that the promotion and protection of all human rights was a legitimate concern of the international community and such concern should not be regarded as interference in the internal affairs of any country. Secondly, respect for human rights was universal and was the most basic task of any country regardless of its culture, tradition, political and economic system or stage of development. Thirdly, all human rights were indivisible, mutually dependent and mutually reinforcing. Development should be conducive to respect for human rights and human rights should never be suppressed for reasons of economic development.

36. Japan placed great emphasis on practical approaches to improving human rights situations, the first of them being dialogue. There were various concepts of human rights based on differences of history, culture and tradition. Dialogue was thus very important to promote mutual understanding, bridge the gap between views on the universality and individuality of human rights and resolve conflicts. In that regard, Japan viewed itself as well-placed to bridge the gap between Asian countries and other parts of the world. The second approach was cooperation. It was important to enhance human rights protection through cooperation in building national institutions, legal systems and human resources. The third approach was a clear expression of views. It was important that members of the international community should express their views on serious violations of human rights, and those views would carry more weight if they were expressed in concert.

37. Japan had been guided by those principles in dealing with human rights issues in the Asia and Pacific region. Because of its diversity of culture and traditions, stages of development and political and economic systems, Asia

lacked regional arrangements in the field of human rights. Consequently, Japan had since 1995 hosted every year the Symposium on Human Rights in the Asia-Pacific Region.

38. Japan also actively supported the Voluntary Fund for Advisory Services and Technical Assistance in the field of human rights. In its bilateral cooperation, it placed great importance on assistance in the area of good governance and human rights. Its Partnership for Democratic Development initiative was an important way of linking good governance to the economic and social development of recipient countries, thus providing a sound basis for the promotion of human rights.

39. On the occasion of the fiftieth anniversary of the Universal Declaration, it was important to reaffirm that respect for fundamental human rights was indispensable to the realization of world peace and prosperity. Human creativity was increasingly necessary for problem solving and a world where human rights were fully guaranteed would allow human creativity to be fully expressed.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF FINLAND

40. Mrs. HALONEN (Finland) said that awareness of human rights as a common set of values had grown steadily since the end of the cold war while it had often been alleged that the South and North had different views on human rights issues, there was really only one true dividing line: between those who wanted to improve respect for human rights and those who did not. The Commission on Human Rights was the most important human rights instrument at the service of the international community and she wished to stress the importance of full cooperation by Governments with the special rapporteurs and other human rights mechanisms.

41. In the connection, there was some cause for serious concern, such as the stated intention of the Democratic people's Republic of Korea to withdraw from the International Covenant on Civil and Political Rights. Another sad example was Myanmar, and her Government was seriously concerned at reports of the mistreatment of Mr. Leo Nochols, its Honorary Consul in Myanmar, prior to his death in custody.

42. The World Conference on Human Rights had set the objective of the universal ratification of human rights treaties. The number of ratifications had constantly increased and the treaty bodies had become overloaded with work and had a serious backlog of country reports. Adequate resources should be allocated for their work from the regular budget, but structural solutions were also needed.

43. Regional arrangements were complementary to the universal system of human rights but must never lower the level of universal human rights standards. In Europe, the European Court of Human Rights was the cornerstone of the "democratic security" concept and the Inter-American Court of Human Rights also set an excellent example of regional cooperation.

44. Human rights were indivisible and had to be monitored objectively and human rights thinking should be sufficiently broad to address economic, social

and cultural rights on an equal footing. Finland had recently incorporated many economic, social and cultural rights into its Constitution, and they could be referred to in courts as basic rights. Her Government thus supported all efforts to enhance the legal and political weight given to economic, social and cultural rights, and regarded the drafting of an optional protocol to the relevant Covenant as a very important project. Human rights were, indeed, a precondition for truly sustainable economic development and full realization of the economic, social and cultural rights of women was of particular importance.

45. There was general frustration at the lack of progress in the Middle East peace process, in which there was still no human rights dialogue. The frequently used practice of closures in the Occupied Territories constituted a form of collective punishment. Her Government was also concerned about continuing Israeli settlement activities, and other acts that were in violation of international agreements, and hoped that the necessary corrective action would be taken.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AFFAIRS OF ITALY

46. Mrs. TOIA (Italy) said that the origins of the Universal Declaration of Human Rights lay in religious and philosophical traditions that were numerous and varied but coincided in their convergent focus on the dignity of each individual. As a result of the Declaration, that dignity was no longer a mere goal to be attained or a need to be addressed but constituted a variety of specific rights. However, it was very important to challenge the false dichotomy between the universality of human rights and the equal dignity of all cultures, religions and spiritual orientations. The universality of rights did not mean that the cultural foundations, language and institutional tools of those rights and progress in achieving them must be uniform in every part of the world. Conversely, the legitimate claim that tradition and cultural specificity be respected could not justify a refusal to assume political responsibility and still less to respect legal obligations in the area of human rights.

47. While the common endeavour should be "universality with respect", another common cause should be "non-selective universality" because there could be no universality if any suspicion remained that some rights or categories of rights were arbitrarily favoured over others. There was no justification for such a selective approach: the Universal Declaration was universal in its content as well as in its geographical scope. Political and civil rights, on the one hand, and economic, social and cultural rights, on the other, were simply two sides of the same human rights coin, and had to be addressed as a comprehensive whole. That was why a consensual convergence on the issue of the right to development should be one of the basic objectives of the Commission at its current session.

48. The issue of human rights should be treated as a vital and essential component of every aspect of international relations and should be explicitly factored into all aspects of foreign policy from security to development. As the Secretary-General had said in his statement to the Commission, the

international community should focus on the prevention of human rights violations in order to deal more effectively with the challenges of the coming century.

49. To that end, her Government considered that the establishment of an International Criminal Court would be a decisive contribution to the prevention of human rights violations by ensuring that they did not remain unpunished; Italy was thus happy to be hosting the diplomatic conference on the Court's establishment.

STATEMENT BY THE PRIME MINISTER OF FRANCE

50. Mr. JOSPIN (France) said that the Chairman's presence on the podium was a symbol of the victory of the people of South Africa and of all those who had fought alongside them for the abolition of apartheid, that insult to the human conscience whose disappearance represented the victory of morality, justice and human rights over arbitrariness, fate and force. South Africa's example recalled the important truth that nothing was ever ineluctable and that, in the midst of the worst tragedies, man must never give up the fight to protect his most precious asset, namely, his humanity. It was that humanity which the Universal Declaration of Human Rights had sought 50 years previously to translate into legal and political reality.

51. There was daily evidence, alas, that the Declaration encountered obstacles and temptations. Man had built extraordinary civilizations and was continually providing proof of his genius and capacity to adapt, yet he was also a dangerous species, capable of massacring his fellows and even of wiping out all trace of his passage through history. There were still many battles to be fought: against the barbarity of blind terrorism, acts of genocide, ethnic or religious violence, clan struggles and the repression of minorities, all of which acts of violence and violations spared none of the continents.

52. The past 50 years had borne witness to persistent abuses of power such as exclusion and discrimination against women, against minorities and foreigners; the imprisonment of dissidents without fair trial; the harassment and disappearance of defenders of human rights; and the violation of the most elementary right, namely the right to life. The Commission must continue its efforts to work for the abolition of the death penalty, wherever it still existed.

53. There were other unacceptable violations of the rights and dignity of the human person, such as the slavery-like practices of forced labour and child labour, the trafficking in and sexual exploitation of the human person, and the dire poverty which caused individuals to lose their most elementary rights, such as access to education and health.

54. There were, however, some positive and hopeful developments, such as the re-establishment of democracy in Guatemala and El Salvador, the elections in Mozambique, the consolidation of the democratic process on the continent of Africa, the signature by China of the International Covenant on Economic, Social and Cultural Rights and its forthcoming signature of the International Covenant on Civil and Political Rights, and the implementation of the Dayton/Paris agreements in the former Yugoslavia.

55. Since 1948, the Commission had done a remarkable job of codifying legislation, and there was henceforth a body of references common to all nations; the next task was to ensure their full implementation. He himself had been examining all the texts to which France was not yet a party, and, in 1998, France would be submitting instruments of ratification for six texts in the area of human rights.

56. Human rights should be a sphere for cooperation and solidarity between North and South rather than an area of confrontation. While violations must be condemned in the strongest possible terms wherever they occurred, efforts should be made to convince as well as to condemn by showing that development and growth were linked to the progress of democracy and freedom. Dialogue and cooperation should be the rule, with confrontation the exception and the last resort. Cooperation between States and with the United Nations should attach greater importance to the protection of economic and social rights and the development of new rights. In that context, the technical assistance activities established by the High Commissioner constituted an essential lever. Increasing the proportion of the United Nations budgetary resources devoted to human rights, and especially to such technical assistance activities, should thus be a priority objective. For its part, France would be doubling its contribution to that budget.

57. More and more frequently, crises were developing in the course of which unacceptable suffering was inflicted by groups that were not under the control of States. There was a need, therefore, to seek ways and means of adapting the international protection mechanisms to developments of that kind. The four Geneva Conventions and their Additional Protocols were particularly important instruments in that regard, and the French authorities would be giving favourable consideration to the idea of acceding to Protocol I Additional to the Geneva Conventions.

58. In the area of prevention and punishment, he set great store by the establishment of the International Criminal Court and the international regulation effort to which it would give rise. Those responsible for crimes against humanity, war crimes and crimes of genocide must be judged for their acts. The use of force to re-establish order or law could be envisaged only when all avenues of negotiation had been exhausted, and in such situations coercive action could only be multilateral. His Government was determined to promote that vision of international society and of the laws that should govern it.

59. France's cooperation in Africa was designed to strengthen the capacities of the African countries themselves to maintain peace. In Central Africa, the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB) would shortly be handing over to a United Nations force wearing blue helmets. France no longer wanted to be the policeman of Africa. The future world should be one of greater solidarity and collegiality in which all would assume their own share of responsibilities.

60. The fiftieth anniversary of the Declaration should encourage collective thoughts on the place occupied by human rights within the United Nations system as well as within each individual State. The rights of the human being could not be merely reserved for debates among experts; they should be of

constant concern to all Governments within the context of their national policies both domestic and foreign. The Commission played a vital role in promoting, sustaining and encouraging those who, daily and throughout the world, risked their own freedom and sometimes their lives for the greater freedom of all people. It should make their names known and honour their memory so that 1998 could be the year of human rights and of all defenders of human rights.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SPAIN

61. Mr. MATUTES (Spain) said that the Chairman's election was of great symbolic value; his role as a true champion of human rights during the apartheid regime in South Africa was well known and worthy of universal respect.

62. The Universal Declaration of Human Rights marked the beginning of the process of codifying international standards and of determined and valiant efforts to apply human rights legislation effectively. It had become a generally accepted principle that non-intervention in internal affairs could no longer be invoked against any action taken by the United Nations to protect human rights. That was clear evidence of the progress made in the development of international awareness in the past 50 years, an awareness that extended to both civil and political rights and economic, social and cultural rights. Any political regime, wherever it might be, that infringed human rights must be firmly condemned and rejected.

63. In that connection, he recalled that his own country's concern with the process of dignifying the human condition had begun with the humanist theologians of the School of Salamanca in the sixteenth century, continuing in more recent times with the jurists of the seventeenth century and the thinkers and liberals of the nineteenth.

64. Referring to the restructuring of the Office of the High Commissioner for Human Rights, he commended the efforts made along those lines by the former High Commissioner and wished the new High Commissioner and her team every success in that vital work. In that connection, he assured the High Commissioner of his Government's unlimited support, both moral and financial. Spain would maintain its contribution both to operations in the field and to the voluntary contribution funds, including, in the current year, the Technical Assistance Fund.

65. The cause of human rights was an essential element in the framing and development of Spain's foreign policy. In that spirit, a national committee to organize the events commemorating the fiftieth anniversary of the Universal Declaration had been set up under the honorary presidency of the King and Queen of Spain. He himself was serving as chairman. The activities undertaken under that committee's auspices would be able to count on the support and broad collaboration of the authorities and would be encouraged by Spain's unequivocal identification with the ideals and objectives inspiring the work of the Commission.

STATEMENT BY MRS. BONINO, MEMBER OF THE EUROPEAN COMMISSION

66. Mrs. BONINO (European Commission) said she hoped that the fiftieth anniversary of the adoption of the Universal Declaration - an anniversary darkened by the massive violations of human rights still taking place in many parts of the world and the continued suffering inflicted upon the most vulnerable categories of victims - would serve as an opportunity for an examination of conscience with a view to improving the efficacy of future international activities in the sphere of human rights.

67. As far as the European Union was concerned, the fact that, under the 1997 Amsterdam Treaty, the Council of the Union was vested with the power to determine and, where necessary, to punish serious and continuous human rights violations by any member State meant that no member State would, under any circumstances, be exempt from the duty to respect the rules of democracy and, more particularly, human rights as one of the essential conditions of membership of the Union. It was with that message that the Union was opening its doors to new members.

68. The same principles formed the basis of the Union's relations with third countries, including, in particular, the contractual relations which were managed by the European Commission. The promotion of human rights would remain a cornerstone of the new Lomé Convention. Within the framework of development assistance, the Union endeavoured to promote respect for human rights through positive measures designed to strengthen the independence of the judiciary and of parliamentary institutions, guarantee electoral processes and consolidate the freedoms of speech and of the press.

69. Guided by the spirit and the letter of the Charter of the United Nations, the Universal Declaration of Human Rights and the priorities established by the Vienna Programme and Plan of Action, the Union was endeavouring to contribute as effectively as possible to the work of all international, regional and non-governmental bodies active in the defence of human rights. That was true not only of the Union's significant financial contributions, but also of its steadfast political support of all United Nations agencies and bodies operating in the field of human rights.

70. The question of the establishment of a permanent international criminal court, to be decided at the diplomatic conference scheduled to take place at Rome in June 1998, was a matter of particular interest to the Union and she hoped that the conference would indeed arrive at a decision after so many years of preparatory negotiations. Such an outcome would surely be the best possible way of celebrating the Universal Declaration's fiftieth year. In that connection, she pointed out that, notwithstanding the gravity of the crimes in question, both the ad hoc tribunals and the projected international criminal court ruled out the application of the death penalty, and stressed the urgency of a moratorium being placed on executions in countries where the death penalty still existed.

71. In her capacity as European Commissioner for Humanitarian Aid, she was only too well aware of the major difficulties which the cause of human rights was still encountering in most parts of the world. All too often, the leaders of countries emerging from recent conflicts asserted that, in order to create

conditions favourable to peace, security and development, they were obliged to place human rights in abeyance or, quite simply, to violate them. That was the language of realpolitik, which set State or economic interests above values, even universal values. For her part, she remained a believer in idealpolitik and a diplomacy solidly rooted in morality, the only kind that could always be explained and defended before parliaments, public opinion and the citizens of the world.

STATEMENT BY THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF AUSTRIA

72. Mrs. FERRERO-WALDNER (Austria), having paid tribute to the defenders of human rights who were often in danger, from their own Governments, on account of their convictions, said that, if the Commission adopted the draft declaration on the subject at its current session, that would be a fitting contribution to the fiftieth anniversary of the Declaration of Human Rights.

73. Stressing the fundamental indivisibility of civil and political rights and economic, social and cultural rights, including the right to development, she reiterated her Government's support for the approach adopted to the subject of the right to development at the World Conference and expressed her delegation's support for the proposal to appoint a special rapporteur for economic and social rights. It was to be hoped that the question of the status of women would be taken into special consideration by the new mechanism. Her Government's bilateral programme for development cooperation was aimed at developing the potentialities of all human beings in freedom and full enjoyment of human rights.

74. Austria was currently very concerned at the recent human rights violations committed by security troops in Kosovo. Having summarized the programme of action for Kosovo that her country's Minister for Foreign Affairs had submitted to the recent meeting of the European Union, she said that her Government called for an international presence in Kosovo and supported, in particular, the High Commissioner's proposal for a human rights office to be established at Pristina as soon as possible.

75. Events in Algeria showed how violence could lead to violations of the rights of large numbers of innocent victims. She appealed to the Algerian Government to ensure the security of the population and, in full cooperation with the international community and, in particular, with the High Commissioner, to look into the numerous allegations of serious human rights violations in its country.

76. While the ad hoc international tribunals for former Yugoslavia and Rwanda should continue their work, she expressed the hope that the international community would in the current year finalize and adopt the statutes of an international criminal court, thus putting an end to the still widespread impunity of persons responsible for serious violations of human rights.

77. Another subject to which her country attached great importance was the abolition of the death penalty. She appealed to all States to abolish that penalty or at least to introduce an immediate moratorium on all executions.

78. While noting with satisfaction the progress achieved in terms of ratifications of the Convention on the Rights of the Child, she regretted that the number of ratifications of the Convention against Torture was still very small and stressed the duty of both Governments and parliaments to prevent human rights violations of all kinds. In that connection, she referred to a national committee established in Austria to monitor all aspects of protection of human rights, including the rights of women, disadvantaged persons and foreigners.

79. Austria's preparations for the fiftieth anniversary of the Declaration of Human Rights included the holding of a seminar of international experts in the summer of 1997 and a meeting that was to be held in June 1998 on the subject of strengthening national human rights structures, especially during reconstruction after a conflict. Austria was to assume the presidency of the European Union in the second half of 1998 and was determined to contribute, in close cooperation with the European Commission, to the elaboration of a positive and consistent human rights policy for the Union.

80. Turning to the question of the rights of women, she noted that, while the principle of mainstreaming adopted at the Vienna and Beijing conferences had influenced the policies of a growing number of countries, the situation of women in some countries continued to be seriously threatened. The current situation of women in Afghanistan was unacceptable and was increasingly taking the form of "gender apartheid". Also in the context of the fundamental rights of women, she reiterated the importance her delegation attached to combating the intolerable practice of female circumcision, and likewise referred to ongoing efforts to draft an additional protocol to the Convention against All Forms of Discrimination against Women.

81. In conclusion, reaffirming the need for a new international partnership, she stressed the overriding importance of the United Nations in that regard and called for full support for the efforts of the Secretary-General and the High Commissioner in the field of human rights.

The meeting rose at 1 p.m.